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ACTION EA-14

INFO OCT-01 PM-06 NSC-10 SS-14 RSC-01 L-03 T-03 OMB-01
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FM AMEMBASSY PHNOM PENH
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AMEMBASSY BANGKOK
AMEMBASSY SAIGON
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DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY Trublay DATE 10/9/80

RDS ☐ or XDS ☐ DATE _____
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SUBJECT: THE SENATE ELECTORAL LAW

REF: PHNOM PENH 4558

SUMMARY:

THE SENATE ELECTIONS WILL BE HELD ON SEPTEMBER 17
AFTER A ONE-MONTH CAMPAIGN. THERE ARE 40 SEATS TO BE
FILLED: 25 WILL REPRESENT THE GERNAL POPULATION BY
REGION, 8 THE CIVIL SERVANTS BY GROUPS OF REGIONS, AND
8 THE COUNCIL OF THE ARMED FORCES. ELECTION WILL BE
BY DIRECT, SUFFRAGE, SECRET BALLOT AND
MAJORITY PARTY LIST EXCEPT FOR THE 8 SENATORS CHOSEN
BY THE COUNCIL OF THE ARMED FORCES. END SUMMARY.

2. ON JULY 17 MARSHAL LON NOL SIGNED THE LAW
ESTABLISHING THE CONDITIONS UNDER WHICH ELECTIONS FOR
THE KHMER REPUBLIC'S FIRST SENATE WILL TAKE PLACE.
FOLLOWING IS A CONDENSATION FROM THE TEXT AS PUBLISHED
BY AKP ON JULY 19:

3. ELECTION DAY IS FIXED FOR SUNDAY SEPTEMBER 17. THE

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SENATE CAMPAIGN WILL OFFICIALLY OPEN AUGUST 16 AND CLOSE SEPTEMBER 16.

4. THE SENATE WILL HAVE FORTY MEMBERS; 24 WILL REPRESENT THE SIX MILITARY-ADMINISTRATIVE REGIONS; 8 WILL REPRESENT THE CIVIL ADMINISTRATION, AND 8 WILL REPRESENT THE COUNCIL OF THE ARMED FORCES. SENATORS WILL SERVE A SIX-YEAR TERM WITH HALF REELECTED EVERY THREE YEARS.

5. THE REGIONS AND THE NUMBER OF SEATS ALLOCATED TO EACH AS FOLLOWS:

A. SPECIAL REGION-PHNOM PENH AND THE PROVINCES OF KANDAL, OUDONG, MEANCHHEY AND VIHEAR SUOR;

5 SENATORS

B. FIRST REGION-PROVINCES OF KAMPONG CHAM, PREY VENG AND SVAY RIENG; 4 SENATORS

C. SECOND REGION-KOMPONG SOM CITY AND THE PROVINCES OF TAKEO, KAMPOT, KOMPONG SPEU AND KOH KONG;

4 SENATORS

D. THIRD REGION-PROVINCES OF KOMPONG CHHNANG, PURSAT AND BATTAMBANG; 4 SENATORS

E. FOURTH REGION-PROVINCE OF SIEM REAP, KOMPONG THOM, ODDAR MEACHEY AND PREACH VIHEAR; 4 SENATORS

F. FIFTH REGION-PROVINCES OF KRATIE, STUNG TRENG, RATTANKIRI AND MONDULKIRI; 3 SENATORS

THE ABOVE REGIONS WILL ELECT THEIR SENATORS DIRECTLY BY UNIVERSAL SUFFRAGE, (EXCLUDING CIVIL SERVANTS), SECRET BALLOT, AND MAJORITY PARTY LIST. THE CANDIDATES OF THE LIST OBTAINING THE MAJORITY VOTE WILL BE ELECTED.

6. THE SENATORS REPRESENTING THE CIVIL ADMINISTRATION WILL BE ALSO CHOSEN BY DIRECT, SUFFRAGE, SECRET BALLOT AND MAJORITY PARTY LIST. THREE CIVIL ADMINISTRATION SENATORS WILL REPRESENT A "GROUP" COMPOSED OF THE SPECIAL REGION AND THE FIRST REGION. THREE SENATORS WILL REPRESENT A "GROUP" COMPRISING THE SECOND AND THIRD REGIONS AND TWO SENATORS WILL REPRESENT A "GROUP" FORMED OF THE FOURTH AND FIFTH REGION. ELECTORS WILL BE EMPLOYEES OF THE CIVIL ADMINISTRATION ON ACTIVE DUTY IN EACH OF THE GROUPS OF REGIONS.

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7. POLITICAL PARTIES WILL PRESENT SEPARATE LISTS OF SENATORIAL CANDIDATES FOR EACH REGION (FOR POPULARLY ELECTED SEATS) AND EACH GROUP (FOR THE CIVIL ADMINISTRATION SEAT). THE NUMBER OF CANDIDATES ON EACH LIST MUST CORRESPOND WITH THE NUMBER OF SEATS AVAILABLE IN THAT REGION OR "GROUP".

8. ON SEPTEMBER 17 THE COUNCIL OF THE ARMED FORCES WILL ELECT ITS 8 SENATORS BY MAJORITY VOTE.
(THE MEMBERS OF THE COUNCIL OF THE ARMED FORCES HAVE NOT YET BEEN NAMED).

9. CAMBODIAN CITIZENS OF EITHER SEX, AGED AT LEAST 40 BY ELECTION DAY, WHO FULFILL THE CONDITIONS SET FORTH FOR ASSEMBLY CANDIDATES ARE ELIGIBLE TO STAND FOR ELECTION. A CANDIDATE WHO FAILS TO OBTAIN ONE-FOURTH OF THE VOTES WILL FORFEIT HIS 2,000 RIEL DEPOSIT. CIVIL SERVANTS WHO ARE CANDIDATES FOR ELECTION TO THE SENATE ARE GOVERNED BY THE SAME PROVISIONS AS ARE CIVIL SERVANTS WHO STAND FOR THE ASSEMBLY.

10. POLITICAL PARTIES MUST SUBMIT THEIR LISTS OF CANDIDATES BY AUGUST 10; THE INTERIOR MINISTRY WILL PROVISIONALLY CLOSE THE LISTS AUGUST 14. CANDIDATES HELD INELIGIBLE BY THE MINISTRY MAY PROTEST TO THE PROVISIONAL CONSTITUTIONAL COURT UNTIL AUGUST 17; THE COURT WILL RULE ON AUGUST 20. A POLITICAL PARTY MAY SUBMIT REPLACEMENTS FOR INELIGIBLE CANDIDATES UNTIL AUGUST 25. ON AUGUST 28 THE LISTS OF CANDIDATES WILL BE OFFICIALLY CLOSED.

11. VOTER ELIGIBILITY AND REGISTRATION ARE THE SAME AS FOR THE ASSEMBLY ELECTION. HOWEVER, CIVIL SERVANTS WILL VOTE ONLY FOR THEIR OWN "GROUP" REPRESENTATIVES AND NON-CIVIL SERVANTS ONLY FOR THE REGIONAL REPRESENTATIVES.

12. VOTING WILL PROCEED IN THE MANNER PRESCRIBED FOR THE ASSEMBLY ELECTION. VOTING FOR CIVIL ADMINISTRATION SEATS WILL TAKE PLACE AT CITY, PROVINCE AND CANTON OFFICES. BOTH THE POPULAR AND CIVIL ADMINISTRATION ELECTION RESULTS WILL BE CONSOLIDATED AT THE CITY OR PROVINCE OFFICE BY THE SUNDAY FOLLOWING THE ELECTION. CANDIDATES OR THEIR REPRESENTATIVES WILL OBSERVE THE

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COUNTING OF VOTES AND SIGN THE STATEMENT OF RESULTS.

13. THE MINISTRY OF THE INTERIOR WILL COLLECT THE RESULTS OF THE VOTE. ALL PROTESTS MUST BE PRESENTED TO THE PROVISIONAL CONSTITUTIONAL COURT BY THE SUNDAY FOLLOWING THE DAY OF THE ELECTION.

14. THE SENATE WILL APPROVE ITS MEMBERS OCTOBER 2, 1972. CONTESTED SEATS WILL BE APPROVED AFTER ADJUDICATION BY THE CONSTITUTIONAL COURT. IF ANY OF THE RESULTS ARE ANNULLED BY THE COURT, NEW ELECTIONS WILL BE HELD IN THE REGIONS OR "GROUP" IN QUESTION WITHIN A WEEK. BY-ELECTIONS MAY BE HELD TO FILL ANY SEAT WHICH BECOMES VACANT MORE THAN SIX MONTHS BEFORE THE NEXT ELECTION.

15. COMMENT: THUS FAR THERE HAS BEEN ONLY SLIGHT REACTION TO THE SENATE ELECTORAL LAW. LARGELY BECAUSE THE SENATE IS NOT CONSIDERED TO BE AN ORGAN OF GREAT IMPORTANCE AS COMPARED WITH THE NATIONAL ASSEMBLY. THE DEMOCRATIC PARTY HAS GRUMPED THAT THE ELECTIONS FOR BOTH THE SENATE AND THE ASSEMBLY SHOULD TAKE PLACE ON THE SAME DAY, BUT THE BULK OF CRITICISM CONTINUES TO BE DIRECTED AT THE CONDITIONS UNDER WHICH THE ASSEMBLY WILL BE ELECTED. WE DO NOT EXPECT THE SENATE LAW TO GENERATE ANY ADDITIONAL CONTROVERSY OF SIGNIFICANT PROPORTIONS. GDS.
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